

**IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF PENNSYLVANIA**

DENISE M. LESTER,	)	
	)	
Plaintiff,	)	Civil Action No. 05-1367
	)	
v.	)	Judge Cercone
	)	Magistrate Judge Caiazza
MERCY HOSPITAL,	)	
	)	
Defendant.	)	

**MEMORANDUM ORDER**

On October 17, 2005, this case was referred to United States Magistrate Judge Francis X. Caiazza for pretrial proceedings in accordance with the Magistrates Act, 28 U.S.C. §§ 636(b)(1)(A) and (B), and Rules 72.1.3 and 72.1.4 of the Local Rules for Magistrates.

On July 25, 2006, the magistrate judge issued a Report and Recommendation (Document No. 13) recommending that Defendant's Motion to Dismiss (Document No. 6) be granted regarding the Plaintiff's PHRA claim, but denied regarding her ADA claim.

Service of the Report and Recommendation was made on the parties, and no objections have been filed. After a review of the pleadings and documents in the case, together with the Report and Recommendation, the following Order is entered:

AND NOW, on this 17<sup>th</sup> day of August, 2006,  
IT IS ORDERED that the Defendant's Motion to Dismiss (Document  
No. 6) is **GRANTED** regarding the Plaintiff's PHRA claim, and  
**DENIED** regarding Plaintiff's ADA claim.

The Report and Recommendation of Magistrate Judge Caiazza  
dated July 25, 2006, is hereby adopted as the opinion of the  
District Court.



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David Stewart Cercone  
United States District Judge

cc: Honorable Francis X. Caiazza  
Chief United States Magistrate Judge

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